

23<sup>rd</sup> May 2022  
Our Ref: 21.5169

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London  
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T 0203 268 2018

Planning Department  
London Borough of Camden  
Crowndale Centre  
218 Eversholt Street  
Somers Town  
London  
NW1 1BD

Dear Sir/Madam,

**Re: Ground Floor and Basement, 23 Rathbone Place, W1T 1HZ**

**Planning application for proposed 'Erecting of extractions and ventilation duct system and 2no. AC condensers at rear elevation' (PP-11175760)**

We write on behalf of Lothbury Property Trust Company Limited, who have instructed us to submit an application for an extraction and ventilation duct system and 2no. AC condensers in relation to the existing restaurant at ground floor and basement unit at 23 Rathbone Place, London ('the Site').

In addition to this cover letter, the following documentation is submitted in support of this application:

- Site plan, proposed basement, ground floor and lightwell layouts (Drawing No.PP01) – Prepared by Summit Design;
- Mechanical Installation – Prepared by Summit Design;
- Environmental Acoustic Impact Assessment - Prepared by Conabeare; and
- Odour Assessment – Prepared by Summit Design.

**The site**

The existing ground floor and basement level of 23 Rathbone Place ('the Site') is located at the corner of Rathbone Place and Gresse Street in Fitzrovia. The Site has two frontages on both Rathbone Place and Gresse Street.

The unit is currently empty but has most recently been occupied by Pisku (a restaurant) in Class E use. Planning permission was granted for temporary Class A3 use in 2015 for two continuous years, but a restaurant use has continued to operate on the site since this temporary permission lapsed. Pisku have unlawfully occupied the unit since 30<sup>th</sup> October 2017 until 23<sup>rd</sup> July 2021. Permission has recently been granted in February 2022 (ref: 2021/5995/P) to establish the Site's lawful use as within Class E.

The Site is not listed but is located within the Charlotte Street Conservation Area. The nearest listed buildings are located at 1, 2 and 3 Percy Street (Grade II).



Camden's Policies Maps designates the Site as a protected primary frontage and within the Fitzrovia Area Action Plan.

### Planning history

The Site's planning history is listed below for ease of reference, however, the application of primary relevance is the Certificate of Lawfulness recently permitted to lawfully establish the use as a restaurant (Class E) (Ref: 2021/5995/P).

Reference	Proposal	Decision
2021/5995/P	Use of basement and ground floor as a restaurant (Class E)	Granted (09/02/2022)
2019/6065/P	Prior approval for change of use of ground floor premises from retail (Class A1) to cafe/restaurant (Class A3)	Withdrawn (20/12/2019)
2015/5476/P	Change of use from retail (Class A1) to restaurant and cafe use (Class A3) for a period of 2 years.	Granted (27/09/2019)

### Planning policy context

The Development Plan for the Site comprises the London Plan (2021) and Camden Local Plan (2017).

The Local Plan policies relevant to this application are listed below:

- Policy A1 Managing the impact of development;
- Policy A4 Noise and vibration;
- Policy D1 Design; and
- Policy D2 Heritage.

Local Plan Policy A1 will require all developments likely to generate nuisance odours to install appropriate extraction equipment and other mitigation measures. These should be incorporated within the building where possible. External extraction equipment and ducting should be sited sensitively, particularly on listed buildings and within conservation areas.

Camden's Planning Guidance on 'Design' and 'Amenity' provides extra information which has been reviewed and incorporated as part of the proposed development.

### The proposed development

The proposal includes two new AC condenser units within the basement lightwell and a kitchen extract duct, which is circular in section and will be no more than 300mm x 600mm, at the rear of the property. The only proposed external change to the property is the installation of an extract duct for the kitchen extract that would run vertically and discharge at roof level, as shown in the accompanying drawings (Drawing No. PP01). It is considered that the proposed extract is proportionate to its operational needs and requirements and is in line with the aims of Local Plan Policy A1.

The kitchen extract duct is proposed to be erected at basement level in the kitchen via an existing canopy to the rear of the property through an exhaust duct running beneath steelwork gantry up to

ground floor. At ground floor, the kitchen exhaust rises and sets over the bike rack and terminates at roof level. Access doors are required where the new duct connects to the existing riser. The proposed fan will be installed internally and will be in accordance with building regs as set out within the Acoustic Assessment. Two condensers servicing the air conditioning units will be installed in the lightwell at basement level. As shown on the proposed plans the siting, size, and appearance of the extraction / ventilation duct and AC units would be in keeping with the scale of the existing building and its functional appearance and would be in keeping with the surrounding environment.

An Odour Assessment has been undertaken which concludes that the proposal's odour control is in accordance with DEFRA requirements.

The system will be fitted with Attenuation in accordance with the LPA and Acoustic Consultant recommendation. An Environmental Acoustic Impact Assessment has been undertaken in support of the application which concludes that the duct would not have any adverse impact on neighbouring amenity, in terms of noise or disturbance and is therefore considered acceptable.

At basement level, a fire door is to be omitted from Lobby 01 as a security measure to restrict access from the public to the restaurant from ground floor. The basement level will instead have one fire escape accessed via the central staircase. To be clear, this does not require planning permission but is mentioned here for completeness. The proposed use of the basement as a restaurant is fully compliant with Building Regulations.

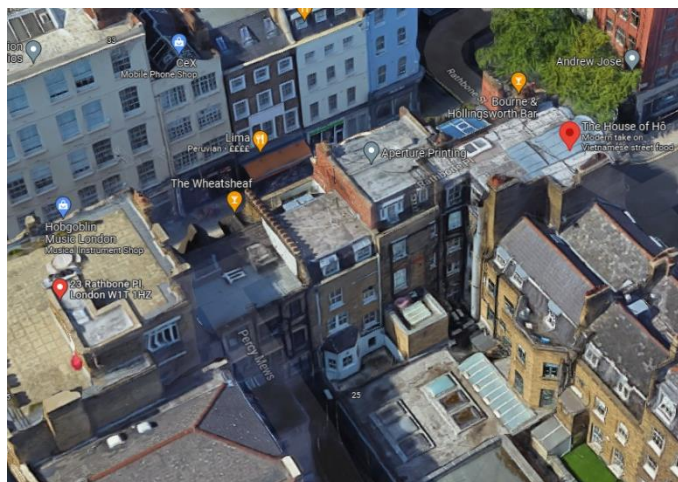
### Heritage statement

No.23 Rathbone Place is located within the Charlotte Street Conservation Area.

The extraction duct will be discretely located at the rear of the property and will not be visible from any public highway or footpath.

As the proposed ductwork operates silently and is predominantly shielded from public view, it is considered that what results does not amount to any level of substantial harm in accordance with paragraph 199 of the NPPF. Consequently, the proposals will have no noticeable impact and the character of the wider conservation area will continue to be preserved.

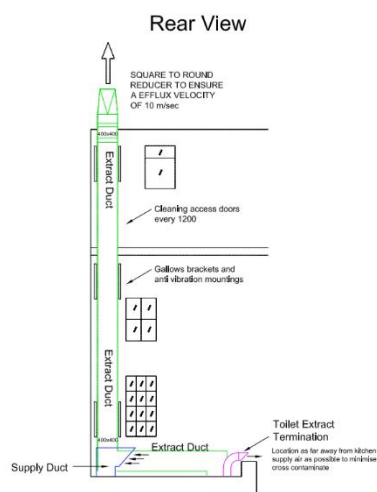
Figure: 1 Google Maps  
duct at 8 Charlotte



screen shot of an extraction  
Street

Figure: 2 Rear Elevation showing  
(Ref: 2018/3878/P)

There are a number of permitted in the of extraction/ ventilation considered to be an primarily commercial area



extraction duct at 43 Store Street, WC1E 7DB

applications that have been surrounding area for the installation equipment and is therefore established characteristic of a with a large number of restaurants.

Address	Reference	Proposal	Decision
43 Store Street London WC1E 7DB	2018/3878/P	Change of use of basement and ground floor from retail (Class A1) to restaurant (Class A3) and associated alterations including the installation of extraction system to rear under the General Permitted Development Order 2015 Schedule 2, Part 3, Class C as amended.	Approval given, (40/10/2018)
14 Charlotte Street London W1T 2LX	2016/4651/P	The erection of mansard roof extension at fourth floor level including new roof terrace and installation of rooflights; and conversion from 3 x flats to 2 self-contained flats (2 x 2 beds) between the 1st and 4th floor levels; and installation of extraction flue (ducting).	Granted (02/11/2016)
Chez Gerard 8 Charlotte Street London W1T 2LS	2013/6909/P	Installation of ducting and extraction fan to the rear elevation together with 5x air condenser units on rear third floor flat roof (part retrospective) all in connection with existing restaurant (Class A3).	Granted (29/04/2014)

The Camden Local Plan relates to the preservation of conservation areas and as such, requires development to preserve or enhance the character or appearance of the conservation area. Given the minimal protrusion of the proposed flue above roof level, the proposed extraction equipment would not be visible from the public realm. Overall, it is not considered that the proposed design or siting would result in any harm to the character or appearance of the host building or the Charlotte Street Conservation and therefore accords with policy.

## Summary

It is considered that the proposed 2no. AC condensers and extract / ventilation duct is in agreement with all relevant planning policy and has been sensitively designed to ensure it would not have any adverse impact on neighbouring amenity or be harmful to the conservation area.

The application fee of £462.00 has been paid electronically following the submission of this application via the Planning Portal (ref: PP-11175760).

We trust you have everything required to proceed with validation, and we look forward to receiving the Certificate at the earliest opportunity. In the meantime, should you have any queries, please do not hesitate to contact me using the contact details below.

Yours sincerely



**Alex Bamford**

**Planner**

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